

# YOUTH SERVICES POLICY

<b>Title:</b> Return to Work <b>Next Annual Review Date:</b> 03/03/2012	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.28
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<b>References:</b> La. R.S. 39:1547; YS Policies A.2.5 "Family and Medical Leave of Absence", A. 2.13 "Americans with Disabilities Act - (Employees, Applicants, Candidates, Visitors)", and A.2.47 "Equal Employment Opportunity"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 03/03/2011

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To state the Deputy Secretary's policy relative to an employee's return to work following an injury or illness.

## III. APPLICABILITY:

Deputy Secretary, Undersecretary, Chief of Operations, Assistant Secretary, Deputy Assistant Secretaries, Human Resources Director, Regional Managers, Facility Directors, and all Youth Services employees. It is the Unit Head's responsibility to ensure that necessary procedures are in place for the proper management and administration of this policy. The Human Resources Director of the YS Central Office will serve as the ADA Coordinator for Youth Services.

## IV. DEFINITIONS:

***Essential Functions Form (EFF)*** - a form generated by Central Office Human Resources that lists the fundamental job duties of a position. Before an applicant can be hired and before an employee can return to work after an illness or injury, he must have the EFF filled out completely and signed by his physician. Each time an employee is required to provide a medical certification form by this policy or by YS Policy A.2.5 "Family and Medical Leave of Absence", he must also provide a current EFF.

***Medical Certification Form*** - a standard form to be filled out by an employee's treating physician. It is attached at the end of this policy as A.2.28 (a).

***Transitional Duty*** - a work assignment that is not the same position or assignment that an employee had before he went out on sick leave for an illness or injury. A transitional duty assignment shall not displace others from their jobs. A transitional duty assignment may last for a period of up to one year. If the employee is not fully recovered after this time, he will return to Workers' Compensation or sick leave status and no longer be eligible for transitional duty.

***Unit Head*** - Deputy Secretary, Facility Directors, and Regional Managers.

**YS Central Office** - Offices of the Deputy Secretary, Undersecretary , Chief of Operations, Assistant Secretary, Deputy Assistant Secretaries, and their support staff.

**V. POLICY:**

It is the Deputy Secretary's policy to accommodate employees who sustain injuries or illnesses, and who are temporarily unable to perform the duties of their assignment, but who can, with medical clearance, return to work to perform the duties of another assignment. These employees will be accommodated by temporary placement in a transitional duty assignment whenever possible. Such temporary transitional duty assignment shall not displace other employees from their job duties. This applies only to a temporary inability to perform all essential functions of the position and not to a permanent inability to perform such functions.

**VI. PROCEDURES:**

- A. An employee who is absent from work for thirty (30) days or more due to injury or illness may be required to provide an up-to-date Essential Functions Form and Medical Certification Form [Attachment A.2.28 (a)] when they believe that they are ready to return to work. Re-certification may be required periodically thereafter as determined by the Unit Head on a case-by-case basis.
- B. The employee must contact the Human Resources staff at secure facilities, Regional Manager in a community based services office, or immediate supervisor at Central Office, and advise that they are ready to return to work.
- C. HR shall send the employee the Essential Functions Form and Medical Certification Form. Failure to return the forms is a failure to follow a direct written order and may result in disciplinary action.
- D. When the forms are returned to the unit HR office, the HR staff shall schedule a "Return to Work (RTW) Board" hearing without delay. She shall assemble the RTW Board, depending upon which potential members can be most readily available, in consultation with the Unit Head if needed. When she determines the makeup of the RTW Board, she shall forward copies of the employee's forms to the RTW Board members.
- E. The "Return to Work Board" shall consist of the unit safety officer, the returning employee's immediate supervisor or a supervisor in the returning employee's chain of command, and the HR analyst at the unit. If these named staff persons cannot attend, a reasonable substitute can be made by the Unit Head. Acceptable persons would be staff from any OJJ unit serving in the same or like capacities as the person they are substituting for (ex: safety officer or Risk Management personnel from another unit; a direct care supervisor from any unit, an HR analyst or higher from any unit).

Security or professional staff may also attend the hearing at the request of the Unit Head or if they have authorization from the Unit Head.

In order for a person to be returned to work, there must be unanimous concurrence by the three RTW Board Members. If there is no unanimous decision, the hearing shall be recessed for a meeting, as soon as possible, of the RTW Board and the Unit Head. After such a meeting, the Unit Head shall decide whether the employee may return to work or not and under what conditions or restrictions. The actions of the body/bodies handling the employee's return to work hearing shall be preserved in writing by the facility HR analyst. A copy of that writing shall be furnished to the employee, and another copy shall be placed in his official personnel record.

The employee shall be returned to the position he held before he was out on leave due to illness or injury. If the employee's current condition, per his doctor, prevents him from returning to his regular full duty position, he may be eligible to be placed in a transitional duty assignment.

- F. A transitional duty assignment may last for a period of up to one year. If the employee is not fully recovered after this time, he shall return to Workers' Compensation or sick leave status and shall no longer be eligible for transitional duty.
- G. Although every effort shall be made to return an employee to duty as early as medically possible, YS does not guarantee alternative placement or the availability of a modified duty assignment.
- H. The unit's Human Resources Office shall submit monthly reports directly to the Office of Risk Management. The reports shall include information about employees who are being accommodated during a period of temporary disability, following an injury or illness, and the "return to work" status of each employee.
- I. Employees who refuse to cooperate with YS and the Office of Risk Management may lose benefits provided by that office.

**Previous Regulation/Policy Number:** A.2.28

**Previous Effective Date:** 02/15/2011

**Attachments/References:** A.2.28 (a) Medical Certification Form